

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

David J. Gibson, #27832-048,	)	C.A. No. 3:09-1274-TLW-JRM
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
Warden, John R. Owen,	)	
	)	
Respondent.	)	
	)	

---

This action was filed by the petitioner, proceeding *pro se*, pursuant to 28 U.S.C. § 2241. (Doc. # 1). The respondents filed a motion for summary judgment and supporting memorandum on August 25, 2009. (Doc. # 14). As the petitioner was proceeding *pro se*, an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975) was issued advising the petitioner of the importance of a motion for summary judgment. (Doc. # 15). Petitioner was specifically advised that if he failed to respond adequately, the respondent's motion may be granted, thereby ending his case. Id. Petitioner filed a response on September 23, 2009 (Doc. # 16). On January 25, 2010, the Magistrate Judge issued a Report and Recommendation in this case recommending that the respondent's motion for summary judgment be granted. (Doc. # 20). No objections to the Report have been filed.<sup>1</sup>

---

<sup>1</sup>The Report was sent to the plaintiff at the last address provided by the plaintiff on file with the clerk's office. The Report was returned.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 20), and respondent's motion for summary judgement is **GRANTED** (Doc. # 14) and the petition is dismissed without an evidentiary hearing.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

February 12, 2010  
Florence, South Carolina